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APR 22 2010
REB-Express
Mail

Honorable Donovan W. Frank, Judge
United States District Court, Minnesota
316 Robert St. N., Suite 724
Saint Paul, MN 55101-1554

Re: Crim. No.: 0:10-mj-00067-DWF, United States v. Guidant

Dear Judge Donovan:

Today I have reviewed the New York Times report concerning the proposed plea agreement in this case. I have also reviewed the April 12, 2010, letter to you from Robert G. Hauser, M.D. and Barry J. Maron, M.D. The letter urges you to not accept the plea agreement.

I fully endorse the Hauser-Maroon letter.

Each company executive who knew of the significant problems with the Guidant defibrillator and were responsible for the failure to give required information reports to government agencies and for the failure to recall the device, should not be given a "pass." Their conduct should be fully disclosed to the public, either by yourself during the determination of whether to accept the plea agreement, or by criminal investigation and prosecution by the United States Attorney.

I have a personal interest—I am alive today because several years ago my cardiologists implanted a Guidant Pacemaker to treat my serious and continuing atrial fibrillation. My experience with that pacemaker and the associated medical care has been *excellent*. If Guidant were to discover a significant defect in my pacemaker model and fail to notify my doctor I would be outraged. I would demand action.

Yours very truly,



Robert O. Harker
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If a Thing's Worth Doing, It's Worth Doing Well